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Attorneys for Defendant  
AMRITSAR INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

FRESH PAC, LLC; DAYKA & HACKETT,  
LLC; KOOL KOUNTRY, LLC; HACKETT  
AG MANAGEMENT, INC.; FRESH  
SELECT, LLC; and TM DIVERSIFIED  
MANAGEMENT, INC. on behalf of DAYKA  
AG MANAGEMENT, INC.

Plaintiffs,

v.

AMRITSAR INSURANCE COMPANY; and  
Does 1-100,

Defendants.

Case No.: 1:23-CV-00678-JLT-BAM

**SECOND STIPULATION TO EXTEND  
TIME TO RESPOND TO INITIAL  
COMPLAINT AND ~~PROPOSED~~  
ORDER (L.R. 144(a))**

Complaint served: June 6, 2023  
Current response date: July 14, 2023  
New response date: July 21, 2023

Plaintiffs FRESH PAC, LLC; DAYKA & HACKETT, LLC; KOOL KOUNTRY, LLC;  
HACKETT AG MANAGEMENT, INC.; FRESH SELECT, LLC; and TM DIVERSIFIED  
MANAGEMENT, INC. on behalf of DAYKA AG MANAGEMENT, INC., and Defendant  
AMRITSAR INSURANCE COMPANY, by and through their counsel of record, hereby  
stipulate as follows:

1. Per a prior agreement between counsel for Plaintiffs and Defendant, Plaintiffs  
served on Defendant's counsel a Notice and Acknowledgment of Receipt of Summons and  
Complaint (CV-21) along with the Summons and Complaint by email on May 31, 2023.

2. Counsel for Defendant signed and returned the Acknowledgment of Receipt of Summons and Complaint to Plaintiffs on June 6, 2023. The Acknowledgment of Receipt of Summons and Complaint indicates that Defendant received the Summons and Complaint on May 31, 2023. Consequently, Defendant's response was previously due on June 27, 2023.

3. Defendant sent a meet and confer letter to Plaintiffs on June 9, 2023. The basis for the meet and confer letter was to discuss *inter alia* whether or not proper venue for this action is in the Utah State courts by operation of a forum selection provision in the subject insurance policies.

4. Plaintiffs' counsel responded via email on June 15, 2023 advising counsel for Defendants of their contentions that neither provision would divest this Court of jurisdiction or venue. Counsel for both parties "met and conferred" regarding their clients' respective positions and the legal basis therefor via telephone on June 15, 2023.

5. During the June 15, 2023 "meet and confer" conference call, Plaintiff's counsel advised that he would need beyond June 27, 2023, the date Defendant's response is currently due, to be able to fully respond to Defense counsel's contentions because he needed that time to be able to speak with all his clients about these issues. Plaintiffs' and Defendant's respective counsels thereafter agreed that Defendant's time to respond to the Complaint should be extended to July 14, 2023.

6. In order to facilitate the parties' "meet and confer" efforts, a Joint Stipulation was entered on June 16, 2023 which extended the Defendant's deadline to respond to the complaint until July 14, 2023. (See Docket no. 6.)

7. On July 13, 2023, one day before the July 14, 2023 responsive pleading deadline, Defendant's counsel via email advised that Defendant had not changed its position that the subject Policies' forum selection clause rendered venue in this Court improper. The same July 13<sup>th</sup> email offered to further "meet and confer" on the issue.

8. In order to allow the parties to fully "meet and confer" regarding the legal and factual basis of the venue dispute and to avoid potentially unnecessary motion practice, on July

1 14, 2013 the parties through their respective counsel agreed to stipulate that the Defendant's  
2 responsive pleading deadline be extended from July 14, 2023 to July 21, 2023.

3 9. Therefore, Plaintiffs and Defendant by and through their respective counsel  
4 hereby stipulate, pursuant to Local Rule 144(a), that Defendant's response to Plaintiffs' initial  
5 Complaint is now due on July 21, 2023.

6  
7 Dated: July 14, 2023

ADAMSKI MOROSKI MADDEN  
CUMBERLAND & GREEN LLP



JEFFREY A. HACKER  
Attorneys for Defendant AMRITSAR  
INSURANCE COMPANY

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10  
11  
12  
13 Dated: July \_\_\_\_, 2023

MCCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH, LLP



JAMES P. WAGONER  
LEJF E. KNUTSON

Attorneys for Plaintiffs FRESHPAC, LLC;  
DAYKA & HACKETT, LLC; KOOL KOUNTRY,  
LLC; HACKETT AG MANAGEMENT, INC.;  
FRESH SELECT, LLC; and TM DIVERSIFIED  
MANAGEMENT, INC. on behalf of DAYKA AG  
MANAGEMENT, INC.

**ORDER**

Having considered the Parties' Second Stipulation To Extend Time To Respond To Initial Complaint, the Court determines that there is good cause for an extension. Defendant Amritsar Insurance Company shall answer or otherwise respond to the complaint on or before July 21, 2023.

IT IS SO ORDERED.

Dated: July 17, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

**FreshPac, LLC, et al. v. Amritsar Insurance Company**  
**Case No. 1:23-cv-00678-JLT-BAM**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On July 14, 2023, I served true copies of the following document(s) described as **SECOND STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT AND [PROPOSED] ORDER (L.R. 144(a))** on the interested parties in this action as follows:

Jeffrey H. Hacker  
Adamski Moroski Madden Cumberland &  
Green LLP  
P.O. Box 3835  
San Luis Obispo, CA  
Telephone: (805) 238-2300  
Facsimile: (805) 543-0980  
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**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 14, 2023, at Fresno, California.

/s/ Marisela Taylor  
Marisela Taylor

**SECOND STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT  
AND [PROPOSED] ORDER (L.R. 144(a))**